

Minutes
WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting to be held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
April 22, 2019 at 6:00 P.M.

PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: Jeff Valiant, Chairman; Terry Dayvolt, Doris Horn, Paul Keller, Mike Moesner, Jeff Willis, and Mike Winge.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director, and Molly Barnhill, Assistant Director.

MEMBERS ABSENT: none

MINUTES: Chairman Valiant called for a motion to approve the minutes from the February 12, 2019 Special Meeting and February and March Regular Meetings.

Doris Horn asked if they were doing them all together or separate.

Attorney Doll and Mrs. Rector replied separate.

Doris Horn made a motion to approve the minutes from the February 12, 2019 Special Meeting as circulated.

The motion was seconded by Mike Winge and approved unanimously.

Doris Horn made a motion to approve the minutes from the Regular Meeting on February 22, 2019 as circulated.

The motion was seconded by Mike Winge and approved unanimously.

Doris Horn made a motion to approve the minutes from the Regular Meeting on March 25, 2019 as circulated.

The motion was seconded by Mike Winge and approved unanimously.

Chairman Valiant explained the rules and procedures.

SPECIAL USES:

BZA-SU-19-06

APPLICANT: Custom Sign & Engineering, Inc. by Scott B. Elpers, President

OWNER: GNE, LLC by Powan Sooch, President

PREMISIS AFFECTED: Property located on the East side of Park Place Ct approximately 690 feet north of the intersection formed by Park Place Ct and Peachwood Dr, lot number 1 in Replat of Engelbrecht Section 2 Phase IV Subdivision, Ohio, TWP. 7607 Park Place Ct.

NATURE OF CASE: Applicant requests a Special Use, SU 8, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: an ILP to be issued for a 3'x7' electronic message unit board in a "C-4" General Commercial Zoning District. (*Advertised in The Standard April 11, 2019*)

Scott Elpers and Powan Sooch were present.

Chairman Valiant called for a staff report.

Mrs. Rector stated we have all of the return receipts for the certified mailings from the adjacent property owners except for INDOT and they never pick them up but we do have the white pay receipts where it was sent to them. She said the existing land use is a car wash. She stated the property to the north is zoned "A" Agriculture and "R-1A" with single-family dwellings. She stated the property to the east is zoned "C-3" Highway Commercial and "C-4" General Commercial with commercial businesses. She said the property to the south is zoned "C-4" General Commercial and vacant. She added the property to the west is zoned "R-2/PUD" being Orchard View Townhouses PUD. She stated there is no flood plain. She said they have an existing entrance off Park Place Ct. and the applicant states "*We are requesting a Special Use to install an electronic EMU sign on the existing pole sign directly under the existing pole sign.*" She stated if you look at the photo in your packet, it is the flag part that they are adding on the message centerboard. She stated the application is in order.

Chairman Valiant asked for questions from the Board.

Paul Keller asked what is on there now.

Scott Elpers replied the illuminated ID sign you see above the message center portion and the little pole cover. He said what they are doing is taking the top sign off, adding on to the pole itself, adding the message center below it, and re-installing the same sign that is on there now.

Paul Keller asked so it is going higher.

Scott Elpers replied that is correct by four foot.

After ascertain there were no more question or remonstrators for or against Chairman Valiant called for a motion.

I, Mike Winge, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application would be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to obtaining an Improvement Location Permit.
4. Subject to obtaining any Building Permits needed.
5. Subject to the Special Use not being altered to become any other use nor expanded than that which was approved by the Board of Zoning Appeals.
6. Subject to no use of the words, “stop”, “danger”, “look”, or any other word which would confuse traffic.
7. Subject to no revolving beams of light or strobe lights.

The motion was seconded by Doris Horn and passed unanimously.

Mrs. Rector stated we will have your approval done on Wednesday.

ATTORNEY BUSINESS

Attorney Doll stated nothing to report; we are still waiting for a hearing to our motions to dismiss the appeal of Mr. Hendrickson on the approval of the SU 13 for Peabody Coal.

EXECUTIVE BUSINESS

None

Mike Winge made a motion to adjourn the meeting. The motion was seconded by Doris Horn and unanimously carried. The meeting adjourned at 6:07 pm.

Jeff Valiant

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held April 22, 2019.

Sherri Rector, Executive Director